

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RINA OH n/k/a RINA OH AMEN,

Case No.: 21-cv-8839

Plaintiff,

DECLARATION

-against-

VIRGINIA L. GIUFFRE

Defendant.

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KATHLEEN R. THOMAS, Esq., under the penalty of perjury, declares, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am a member of the law firm THOMAS LEGAL COUNSELORS AT LAW, LLC, attorneys for Defendant VIRGINIA L. GIUFFRE and, as such, I am fully familiar with the facts and circumstances of this matter based upon the file maintained by my office in defendant of this litigation.

2. This declaration is submitted in support of VIRGINIA L. GIUFFRE's Motion for Summary Judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure, seeking dismissal of the Plaintiff's Complaint against VIRGINIA L. GIUFFRE, and for such other and further relief as the Court deems just and proper.

3. As more fully set forth in the accompanying Memorandum of Law, Plaintiff's sole cause of action for defamation fails as a matter of law. Defendant's briefing and supporting evidence shows that: 1) Plaintiff improperly omits the full context of Defendant's comments; 2) Given the full context of the comments, Defendant's comments are protected opinions and not actionable assertions of fact; 3) Plaintiff does not meet her burden to prove actual

malice; and 4) this court lacks subject matter jurisdiction because it is a legal impossibility for Plaintiff to prove damages.

4. Annexed hereto as Exhibits “A” to “T” are documents relevant to this action, which are relied upon and cited in Defendant’s Memorandum of Law, submitted in support of Defendant VIRGNIA L. GIUFFRE’s F.R.C.P. 56 Motion.

These documents are as follows:

Exhibit A (1-3): Plaintiff’s Amended Complaint; Defendant’s Answer with Counterclaims, Plaintiff’s Answer to Defendant’s Counterclaims

Exhibit B: Deposition of Rina Oh Amen

Exhibit C: Broken: Seeking Justice, “The Recruiters”

Exhibit D: Plaintiff000994-Plaintiff001002

Exhibit E: Plaintiff’s Response to Defendant’s Request for Admissions

Exhibit F: Deposition of Virginia Giuffre

Exhibit G: Plaintiff000970

Exhibit H: DEFVG000001; DEFVG000016- DEFVG000025 Tweets

Exhibit I: DEFVG000044 – DEFVG001280

Exhibit J: Declaration of Brian Wolfinger, Forensic Expert

Exhibit K: Plaintiff000049, Palmeri Email

Exhibit L: Plaintiff000031-32, Palmeri Tweet

Exhibit M: Plaintiff000968-Plaintif000993 Momzilla Tweets

Exhibit N: Plaintiff000004-06, Plaintiff000019 Virginia Subject Tweets

Exhibit O: Plaintiff000237-Plaintiff000239 Lady

Exhibit P: AMEN0001-AMEN00045, AMEN0017, AMEN0019

Exhibit Q: DEVG001347-DEVG001508 Amen Tweets

Exhibit R: Deposition of Vincent Amen

Exhibit S: Expert Report of Dr. Nienaber and Dr. Bassman

Exhibit T: Expert Report of Tobias Czudej

Dated: New York, NY
February 18, 20-25

By: _____/s/_____
Kathleen R. Thomas, Esq.